

Remarks

Reconsideration of this Application is respectfully requested. Claims 21, 22, 24-27, 31, 33-43, and 45-51 are pending in the application, of which claims 21, 31, and 43 are independent. Claims 21, 31, 43, and 45-51 have been amended. Claims 28, 32, and 44 have been cancelled without prejudice or disclaimer. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 101

The Examiner, on page 2 of the Office Action, states that claims 43-51 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Specifically, the Examiner states that the claims recite a machine-readable storage medium, but that the specification recites the term “machine-readable medium.” Applicants have amended the preamble of the claims to recite “machine-readable medium” instead of “machine-readable storage medium.” Applicants respectfully request that the Examiner review the amended claims and withdraw this rejection.

Rejection under 35 U.S.C. § 103

The Examiner, on page 5 of the Office Action, states that claims 21, 22, 24-28, and 31-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,957,348 to Flowers and further in view of U.S. Patent No. 7,168, 065 to Naccache.

Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

With respect to independent claim 21, the Examiner states that Flowers substantially teaches Applicants' invention as recited in claim 21. Applicants respectfully disagree. Flowers does not teach or suggest at least the element of: "an execution area configured to perform operations to examine a set of instructions embodying an invoked application to identify the invoked application, wherein to examine the set of instructions comprises to apply a hash function to the set of instructions to generate a condensed representation and to compare the condensed representation with existing condensed representations for known applications."

The Examiner, on page 6 of the Office Action, admits, and Applicants respectfully agree, that Flowers does not discuss examining a set of instructions. The Examiner further states that "Naccache discloses the invention for monitoring the progress in execution of a series of instructions of a computer program to analyze and verify each of the instructions has indeed been loaded or executed to the processor." *Id.* The Examiner further states, on page 7 of the Office Action, that Naccache teaches "wherein to examine the set of instructions comprises to apply a hash function to the set of instructions to generate a condensed representation and to compare the condensed representation with existing condensed representations for known applications." Applicants respectfully disagree.

Unlike the present invention, which "examine[s] a set of instructions embodying an invoked application to identify the invoked application, wherein to examine the set of instructions comprises to apply a hash function to the set of instructions to generate a

condensed representation and to compare the condensed representation with existing condensed representations for known applications”, the portions of Naccache cited by the Examiner discloses a hashing result for each instruction, not a set of instructions. *Naccache*, col. 9, lines 37-60. Furthermore, Naccache does not teach or suggest comparing a condensed representation with existing representations for known applications. Instead, Naccache discloses that “in response to the second monitoring instruction Inst.n+1, the calculator 26 compares the value VHn in the register 22 with the reference value Vref specified in this monitoring instruction.” *Naccache*, col. 9, lines 61-64. Thus, unlike the present invention which compares the condensed representation of an invoked application with existing condensed representations for known applications, Naccache is comparing VHn (the result of the hashing operation related to an instruction Inst.n) with the reference value Vref specified in the monitoring instruction.

Thus, neither Flowers nor Naccache, separately or in combination, teach or suggest Applicants’ claimed invention as recited in independent claim 21. For at least the reasons stated above, independent claim 21, and the claims that depend therefrom (claims 22 and 24-27) are patentable over the cited references. Independent claims 31 and 43 include similar elements to independent claim 21. Thus, for at least the reasons stated above, independent claims 31 and 43, and the claims that depend therefrom (claims 33-42 and 45-51, respectively), are also patentable over Flowers and Naccache. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claims 21, 31, and 43, and the claims that depend therefrom (claims 22, 24-27, 33-42, and 45-51, respectively).

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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